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Senator Stennis Civil Rights Correspondence B03F33L06

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FOR IMMEDIATE RELEASE, JANUARY 28, 1960

Excerpts from Statement of Senator John Stennis before Committee
on Rules and Administration on Federal Registrar Bills, Jan. 28, 1960

Mr. Chairman, I appreciate the opportunity to appear before your Committee and to express my views on these so-called Federal registrar bills now being studied by your group.

First, I would like to say, on this subject generally, that I believe there is real danger in establishing a Federal beachhead in Federal elections or State and local elections. That these bills may be disguised as civil rights bills does not change their effect nor conceal the grant of unprecedented power to Federal officials in supervising local elections.

I believe these bills to be unconstitutional. The President expressed his doubt of their constitutionality, and the Attorney General, in proposing an alternate plan, expressed concern about the judicial fate of these bills.

Further, I am concerned about motives in pushing such legislation. Obviously, they are punitive, and imply wholesale dishonesty on the part of the people and officials of the Southern states. Unfortunately, there is a sort of legal precedent for such legislation -- found in Volume 16 of the Statutes at Large at page 433 et seq. This Reconstruction legislation (1871) provided for Federal supervisors to oversee the processes of registration and voting. It was wisely repealed years later (1894). It is my sincere hope that we do not live in a time when the vindictiveness and malicious spirit of Reconstruction days is repeated. All too well, we know of the corruption, disrespect for government, and virtual anarchy that prevailed in the 1860's -70's. Surely, when national unity is sorely needed, we will not again sow the bitter seeds of hatred by punitive legislation.

I do not think your Committee nor the Congress would willingly be a party to such a scheme.

Turning to the proposals themselves, it is important to keep in mind their true origin. Their authorship could be rightfully claimed by some anonymous member of the Civil Rights Commission.

The Civil Rights Commission was established in 1957 for the purpose of investigating voting rights conditions and for certain other limited related matters. It was pictured to the Congress as a temporary, detached, objective group -- a study group -- with powers to collect facts, consider them, and make recommendations for remedial action -- through legislation or otherwise.

One of their very first recommendations was that the Commission be made permanent.

This was not done directly -- it was done craftily.

What they proposed was a system of Federal registrars to supervise Federal elections after nine petitions of complaint from an election district had been investigated by the Commission . Since permanent law cannot reasonably be enforced by a temporary agency, it is necessary to make permanent the agency itself.

Who has jurisdiction over such complaints now? If these recommendations were put into effect, who would be displaced?

The answer is, the F. B. I., which has jurisdiction of the investigation of these complaints, the Department of Justice whose Civil Rights Division was created in 1957 to determine whether to prosecute these cases, and the Federal courts who have long undertaken to resolve them by the judicial process.

This Commission, which holds itself in such esteem, would thus supplant these other agencies of government, and would vest grave judicial power to make the decision in voting cases in some Federal official regardless of his experience, training or inclination to undertake such judicial responsibility. These bills do not even provide for judicial review.

While the Hatch Act greatly restricts the political activities of a large number of our citizens, these bills would make those very citizens the arbitrators of the keenest political disputes.

This proposal is nothing but a transparent attempt to inject the Executive Branch of the Government into local election matters, vesting them with the power to reconcile disputes arising out of such contests and to thus control the nation's destiny. I do not know a single postmaster who would want this responsibility, nor any who craftily aspire to such political power. Such power is not vested in the regular party organizations, local election boards, county officers nor state officers, including the governor. Such power is not presently vested in any elective office, State or Federal. Yet it is proposed to extend this power to politically neutral appointees who presumably are above such local skirmishes.

The qualifications for voting for any of the so-called national offices are clearly set forth in the Constitution itself. In Article I, Section 2, it is provided that "The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature." Again, in 1913, the states ratified the 17th Amendment, which reads in part as follows: "The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures." Thus it is that the right to vote in a Federal election is a derivative right. It is based

on qualifications to vote in state elections, namely, the House of Representatives. In the absence of a showing that some constitutional right has been transgressed, the state specifically has the power to determine qualifications of electors. Yet, here it is proposed to make a special exception, to create a special class of citizen, who may vote in national elections although they may not be able to vote in state elections. Any such proposal is clearly inconsistent with the specific language of the Constitution itself. I believe that any reasonable, objective interpretation of these proposals by legally trained minds would lead to the unalterable conclusion that they are clearly unconstitutional. Political expediency may motivate their passage, but no such measure could be really justified under the Constitution itself.

The effrontery of the Civil Rights Commission in thus seeking to perpetuate itself is surprising. The fact that they would undertake to arrogate unto themselves duties now performed by the F. B. I. and the Department of Justice is amazing. The fact that they would seek to vest a postmaster or food inspector with powers even beyond those now assumed by the Federal Judiciary is ludicrous. Yet, in essence, that is the substance of the bills your committee has given serious attention to in the past few weeks when the members' talents might well have been devoted to more worthy tasks.

It is my sincere hope that your fine committee will reconsider this course of action and decisively defeat these self-serving proposals, at this, the earliest stage of their consideration.

I thank you.